



New Jersey Department of Children and Families Policy Manual

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Policy 3-7-2011

When a person is to be incarcerated, the court shall order, as part of the pre-sentence investigation, that a determination be made as to whether he or she is the sole caregiver of a minor child, and, if so, who will assume responsibility for the child's care and custody during his or her period of incarceration.

The statute, N.J.S.A. 2C:44-6 requires the court (i.e., Probation) to provide information compiled during the pre-sentence investigation to CP&P through the State Central Registry (SCR).

State Central Registry - and the CP&P field office, if warranted/upon assignment from SCR - assure that there is a viable, safe plan for the child's care while the parent/sole caregiver is incarcerated.

If the detainee (the incarcerated parent/sole caregiver) does not have a viable, safe plan for the care of his or her dependent child while he or she is incarcerated, CP&P will become actively engaged with the detainee, the "other" parent(s), and identified relatives and family friends toward making a safe permanency plan for the child in accordance with Department of Children and Families' service principles, mission, and ideology.

Authority 3-7-2011

- New Jersey Statutes - Title 2C, The New Jersey Code of Criminal Justice - N.J.S.A. 2C:44-6.2, Person Sentenced to Incarceration, Care and Custody of Minor Child
- [N.J.S.A. 9:6-8.10c](#), Incarcerated persons and persons assuming care and custody of minor to undergo child abuse record information check

Definition of Terms 3-7-2011

"Detainee" is a parent or other adult who is, or who soon will be, incarcerated, who is the sole caregiver of a child.

"Dependent" is a detainee's minor child (i.e., the detainee's birth or adopted child), or another minor child in his or her care and custody at the time of incarceration.

"Alternate Care Provider" or **"Provider"** is the adult named by a detainee to care for the detainee's minor child - i.e., dependent(s) - during his or her period of incarceration.

Information Provided by Probation 3-7-2011

When making a referral, the investigating Criminal Division Probation Officer, an officer of the court, provides a Report on Alternate Care for the Dependents of Detainees to State Central Registry (SCR), which contains the following information (note: some referrals may not contain complete information):

- Name of the detainee who is the sole caregiver of a minor child;
- Criminal history of the detainee;
- Date of the sentencing hearing;
- Relationship of the dependent(s) to the detainee;
- Name, sex, and date of birth or age of each dependent;
- Location and telephone number of the dependent(s);
- Relationship of the dependent(s) to the alternate care provider;
- Name, sex, date of birth or age, Social Security number, home address, and home telephone number of the alternate care provider and all household members over age 12;
- Willingness of the alternate care provider to care for the dependent(s); and
- Results of a Promis/Gavel (i.e., criminal history inquiry), juvenile central registry, and domestic violence central registry check of each person over the age of 12 in the alternate care provider's household. (SCR will conduct the Promis/Gavel check, if necessary.)

Probation faxes an exchange information packet to SCR on each detainee.

Action Taken by SCR Special Duties Unit

4-1-2013

Upon receipt of a detainee's exchange information packet, the SCR Special Duties Unit conducts a search in NJ SPIRIT to determine whether the named alternate care provider is known to CP&P, particularly if he or she is a Substantiated perpetrator of child abuse/neglect. At times a search may be hampered, or severely compromised, by insufficient identifying information provided by the Criminal Division Probation Officer upon referral. SCR advises the Probation Officer of the information that is needed, and requests that SCR be notified when the information becomes available.

SCR is responsible for conducting the search at the request of Probation, in accordance with the State statute. By so doing, SCR/CP&P is neither approving nor rejecting the named person as a care provider for children beyond the scope of the NJS search, nor is SCR/CP&P initiating any action to conduct permanency planning on behalf of the child.

The SCR Special Duties Unit handles the exchange information as follows:

- Review the information provided.
- Complete an NJ SPIRIT search on the alternate care provider and each family/household member residing in his or her home.
- Complete an NJ SPIRIT search on the alternate care provider's home address.
- Complete a Child Abuse Record Information (CARI) check in NJS on the alternate care provider and all other adults and youth over the age of 12 who reside in the home.
- Contact Probation, if additional or clarifying information is needed to complete a comprehensive background check/NJS search.
- When no matches are found upon conducting NJS searches (i.e., the alternate care provider and his or her family/the members of his or her immediate household have no current or prior CP&P history), notify the Criminal Division Probation Officer, by letter, that no further action is required of, or will be taken by, SCR/CP&P in response to the referral.
- If concerns are found upon conducting the NJS search - the alternative care provider or a member of the household is a Substantiated perpetrator of child abuse or neglect, or there is a concern about the alternative care provider's prior CP&P history, including such things as a history or pattern of repeated Established incidents, whether or not he or she was determined to be the perpetrator - SCR will recommend that another provider be identified to provide care for the child during the parent's absence.

If the plan is to use the provider despite SCR concerns, or if a child is already residing with the provider, complete a Screening Summary, DCF Form 1-1, in NJ SPIRIT, code the referral a Child Welfare Service (CWS) Assessment, and assign the case (DCF Form 1-1) to the appropriate CP&P Local Office (LO) for a response.

- If, based on the exchange information or information learned upon conducting the NJS records search, the SCR Special Duties Unit determines that the child may be at risk, or the child's health care, physical, educational, and/or emotional health needs may not be met during the parent's incarceration, complete a Screening Summary, DCF Form 1-1, in NJ SPIRIT, code the intake CWS, and assign the case to the appropriate Local Office for a response, to assure the child's care and safety.
- If the (child is at the police station, complete a Screening Summary, DCF Form 1-1, in NJ SPIRIT, code the intake CWS, and assign the case to the appropriate Local Office for prompt intervention.
- If the alternative care provider has an active CP&P case, code the intake CWS (rather than Related Information, RI), and assign it to the office of supervision for an assessment.
- Refer the case to the appropriate child protective agency within another state, when the alternate care provider does not reside in the State of New Jersey.

Based on the results of the NJS search and the screening of the exchange information, the SCR Special Duties Unit notifies Probation, by letter, of the status of CP&P intervention. If an assignment was made, include the name of the CP&P Local Office responsible for completing the home assessment in the notification letter.

Document the status of each referral (i.e., each exchange information packet on an individual detainee) by a log entry in a file maintained by SCR, where each disposition is tracked.

Actions Taken by Assigned Worker 3-7-2011

When a CWS referral is assigned to a Local Office, the assigned Worker conducts a home visit to assure that there is a viable, safe plan for the child's care while the parent/sole caregiver (i.e., the detainee) is incarcerated. The Worker determines that the child's basic emotional, physical, health and educational needs will be addressed by the alternate care provider.

Concerns Found - Child Is Unsafe 3-7-2011

When the Worker has concerns for the child's overall care or well-being, CP&P establishes supervision of the case. In-home services are provided, as needed.

When the home is not safe, the Worker proceeds as follows, to identify an appropriate and safe caregiver for the dependent(s):

- If the child is in danger, remove the child, and place the child in resource family care, placing the child with a relative, if known or identified. If time/when appropriate, seek a court order for custody. If the child is in imminent danger, conduct an emergency removal without a court order. See [CP&P-II-C-2-700](#).
- Engage maternal and paternal relatives, and others identified by the detainee or the dependent(s), to plan for the safe care of the child;
- Obtain a court order for custody and authority to place the child, when the detainee cannot identify a safe alternate provider; remove and place the child based on that authority;
- Secure an appropriate, safe placement for the dependent(s); and
- Commence permanency and concurrent planning for the dependent(s).

Under these circumstances, the Division follows prescribed policies, procedures, and statutory mandates relative to processing a child for placement in a resource family home or adoptive home, as appropriate.

Notify Probation 3-7-2011

After conducting a home visit/assessment, the assigned Worker notifies the Probation Officer of:

- The Division's assessment of the home, alternate care provider, and the detainee's plan for the care of the child; and
- Whether CP&P will provide continued supervision of the child (i.e., the dependent).
- Consult the SCR Special Duties Unit, if help or direction is needed to make proper notification.

Other Potential Caregiver(s) 3-7-2011

When a person, other than the alternate care provider named by the detainee, contacts the assigned Worker or Supervisor claiming to be the child's parent, a relative, or to have custodial rights over the child, and wants to assume care and custody of the child while the detainee is incarcerated, obtain detailed information and documentation of his or her relationship to the child (i.e., the dependent). Consult the Deputy Attorney General immediately.

Advise a person who is not a parent or relative, who expresses a desire to assume care and custody of the child, to contact the detainee; refer the person to the Criminal Division Probation Officer for assistance. Explain that law enforcement provides the detainee with the opportunity to make arrangements for the alternate care of his or her dependent child in accordance with the State statute.

Relevant NJS Windows and Forms 3-7-2011

NJS forms:

- CP&P Form [1-1](#), Screening Summary
- CP&P Form [3-1](#), CWS Assessment Summary

NJS windows:

- CWS Assessment Window
- Person Management Window
- Maintain Case Window

Related Policy 3-7-2011

- [CP&P-III-C-4-100](#), Identification and Search for Parents and Relatives
- [CP&P-II-C-2-700](#), Removal of a Child